In the Supreme Court of the United States.

OCTOBER TERM, 1899.

THE STEAMSHIP BENITO ESTENGER, Arthur E. Beattie, claimant, appellant, *v.* THE UNITED STATES.	No. 192.
THE UNITED STATES, APPELLANT, *v.* THE CARGO OF THE SPANISH BARK Carlos F. Roses, Kleinwort Sons & Co., claimants.	No. 243.

MOTION TO ADVANCE.

THE BENITO ESTENGER.

This is an appeal by the claimant from a decree of the district court of the United States for the southern district of Florida condemning the vessel as prize.

The vessel, prior to June 8, 1898, was the property of Enrique de Mesa, a subject of Spain and resident of

Cuba. It had been engaged in trading with the island of Cuba, and more particularly between Kingston, Jamaica, and Manzanillo, Cuba.

On the 9th of June a bill of sale was made by Mesa to Arthur E. Beattie, claimant, a British subject; and, in compliance with the requirements of British law governing registration, it was registered as a British vessel at Kingston. After this transfer its trade was continued as before, and under the same control, Mesa remaining on board and in charge and the same Spanish captain continuing, although nominally an English officer was engaged.

The claimant insisted on the *bona fides* of the transfer and upon his right to the vessel as a subject of a neutral power.

An order was granted for taking further proof, and upon such proof a decree of condemnation was entered, from which an appeal has been taken.

The condemnation proceeded on the ground that the transfer of ownership *flagrante bello* was not *bona fide*, the depositions taken failing to show any consideration for it. The vessel was held to be enemy property engaged in commerce on the high seas and properly subject to capture as prize.

THE CARGO OF THE CARLOS F. ROSES.

This is an appeal by the United States from a final decree of the United States district court for the southern district of Florida releasing the cargo of the vessel on the ground of neutral ownership. The libel alleges that the vessel was captured on May 17, 1898, by the

U. S. S. *New York*. Its voyage was from Barcelona to Montevideo, where the cargo was discharged. It was then loaded for Havana, March 13, 1898, with jerked beef and garlic, and was steering for Havana when captured.

The vessel was condemned and no appeal has been taken from that decree. The same decree gave leave to take further proof as to the ownership of the cargo, and ordered the sale of the vessel and cargo. The latter brought $16,750. After proof taken, a decree was entered allowing the claim of the present appellees and ordering payment to them of the proceeds. The United States appealed.

The cargo was consigned to a Spanish subject in Havana, but the claimants, who were subjects of Great Britain, had accepted and paid bills of exchange for £6,297 upon the cargo, and the bills of lading were sent to them as security for their advances and by them sent to their agent in Havana for collection from the cargo. It was held that this constituted the claimants the owners of the cargo until their advances were satisfied.

The United States, appellee in the first case and appellant in the second, respectfully moves the court to advance these causes on the docket and assign them for early hearing at the present time for the following reasons:

First. It is a matter of public concern and general interest that there should be speedy adjudication of proceedings in prize, in order that the title to property claimed as prize and the rights of captors may be finally and promptly determined.

Second. It is of international importance that rulings on the questions of prize law involved should be announced and become a part of the general public law on the subject at as early a date as may be consistent with the convenience of the court.

Third. In both cases claims of neutrals are made, and consequently regard for our obligations to friendly powers moves the United States to seek a speedy settlement of the controversy.

As these cases may to some extent be affected by the decisions to be rendered in the prize cases already heard by the court, it is suggested that they be assigned for argument at a date subsequent to the date of decision of the cases now before the court, provided such assignment is consonant with the court's convenience and views.

Notice of this motion has been duly served upon the respective opposing counsel.

JOHN K. RICHARDS,
Solicitor-General.